



Roll Call Number

17-0623

Agenda Item Number

47B

Date April 3, 2017

Dispositions: Page 1

**CLOSING HEARING ON VACATION OF PORTIONS OF THE EAST/WEST ALLEY
LOCATED WITHIN 422 WALNUT STREET AND APPROVING SAME**

WHEREAS, the City Manager is proposing to vacate the east/west alley rights-of-way located under the Fifth and Walnut Parking Garage at 422 Walnut Street (hereinafter "City Right-of-Way") in order to assemble it with the adjoining property for redevelopment purposes; and

WHEREAS, portions of the City Right-of-Way were previously vacated by Ordinance No. 7801 passed on March 17, 1969, but the legal description used in that ordinance was incorrect; and

WHEREAS, on March 16, 2017, the City Plan and Zoning Commission reviewed the proposal to vacate the City Right-of-Way and has submitted its report and recommendation to the City Council; and

WHEREAS, on March 6, 2017, by Roll Call No. 17-0382, it was duly resolved by the City Council that the proposed vacation of the City Right-of-Way be set down for hearing on March 20, 2017, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate the City Right-of-Way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on March 20, 2017, by Roll Call No. 17-0536, the City Council continued the hearing on the proposed vacation of the City Right-of-way was continued to April 3, 2016, at 5:00 p.m.; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation of public right-of-way as described below are hereby overruled and the hearing is closed.

2. The City Council finds that there is no public need for the City Right-of-Way located under the Fifth and Walnut Parking Garage at 422 Walnut Street proposed to be vacated and that the public



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would not be inconvenienced by reason of the vacation of such right-of-way, being more specifically described as follows:

-EXCEPT THE EAST 6.5 FEET-, THE EAST/WEST ALLEY RIGHTS-OF-WAY LYING SOUTH OF AND ADJOINING LOTS 2 AND 4, IN BLOCK 21, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The vacation of the City Right-of-way described above is hereby approved, subject to final passage and publication of the vacation ordinance.

MOVED by Hensley to adopt.

APPROVED AS TO FORM:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWNV&C\422 Walnut Street\East-West Alley\RC Hrg E-W alleys 17-04-03.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk